

EXHIBIT 16

From: jweng@law.nyc.gov,
To: josh@moskovitzlaw.com,
Cc: gnelson@law.nyc.gov, daweiss@law.nyc.gov, sriordan@law.nyc.gov, sbreslow@law.nyc.gov, nibrahim@law.nyc.gov, dbraun@law.nyc.gov, brhamill@law.nyc.gov, arobinso@law.nyc.gov, GVecchi@law.nyc.gov, mikespieg@aol.com,
Subject: RE: Sierra: proposed Second Amended Complaint
Date: Thu, Apr 7, 2022 4:02 pm

Josh,

We don't think a meet and confer is necessary. Here's our position:

1. There were no John Does in the original complaint or in the first amended complaint for you to replace them with individually named defendants.
2. Per Judge McMahon's Order, the deadline to amend the pleadings was *over a year ago* on March 5, 2021, so this proposed amended complaint is not timely. (Dkt No. 34).
3. Plaintiffs had the names of the individual defendants for a long time so there's no good cause for such delay.
4. The statute of limitations have run on the state law claims and therefore such claims are time-barred as to any newly added defendants.

Based on all the above, defendants object to your proposed Second Amended Complaint.

Best,
Jenny

From: Joshua S. Moskovitz <josh@moskovitzlaw.com>
Sent: Thursday, April 7, 2022 12:20 PM
To: Weiss, Dara (Law) <daweiss@law.nyc.gov>; Weng, Jenny (Law) <jweng@law.nyc.gov>
Cc: Nelson, Genevieve (Law) <gnelson@law.nyc.gov>; Riordan, Shannon (LAW) <sriordan@law.nyc.gov>; Breslow, Stephanie (Law) <sbreslow@law.nyc.gov>; Ibrahim, Nadine (LAW) <nibrahim@law.nyc.gov>; Braun, Daniel (Law) <dbraun@law.nyc.gov>; Hamill, Bridget (LAW) <brhamill@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Vecchiarelli, Giancarlo (LAW) <GVecchi@law.nyc.gov>; Michael Spiegel <mikespieg@aol.com>
Subject: [EXTERNAL] Re: Sierra: proposed Second Amended Complaint

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Dara / Jenny,

Please let us know what time you are available to confer about this later today or tomorrow.

Thanks,

Josh

Joshua S. Moskovitz

The Law Office of Joshua Moskovitz, P.C.
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From: Joshua S. Moskovitz <josh@moskovitzlaw.com>
Date: Wednesday, April 6, 2022 at 10:07 AM
To: Weiss, Dara (Law) <daweiss@law.nyc.gov>, Weng, Jenny (Law) <jweng@law.nyc.gov>
Cc: Nelson, Genevieve (Law) <gnelson@law.nyc.gov>, Riordan, Shannon (LAW) <sriordan@law.nyc.gov>, Breslow, Stephanie (Law) <sbreslow@law.nyc.gov>, Ibrahim, Nadine (LAW) <nibrahim@law.nyc.gov>, Braun, Daniel (Law) <dbraun@law.nyc.gov>, Hamill, Bridget (LAW) <brhamill@law.nyc.gov>, Robinson, Amy (LAW) <arobinso@law.nyc.gov>, Vecchiarelli, Giancarlo (LAW) <GVecchi@law.nyc.gov>, Michael Spiegel <mikespieg@aol.com>
Subject: Re: Sierra: proposed Second Amended Complaint

Dara, thanks for your response. I hope Jenny is feeling better. We are available tomorrow any time after 11:00 a.m.

Joshua S. Moskovitz

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From: Dara Weiss <daweiss@law.nyc.gov>

Date: Wednesday, April 6, 2022 at 9:48 AM

To: Joshua Moskovitz <josh@moskovitzlaw.com>, Jenny Weng <jweng@law.nyc.gov>

Cc: "Nelson, Genevieve (Law)" <gnelson@law.nyc.gov>, "Riordan, Shannon (LAW)" <sriordan@law.nyc.gov>, "Breslow, Stephanie (Law)" <sbreslow@law.nyc.gov>, "Ibrahim, Nadine (LAW)" <nibrahim@law.nyc.gov>, Daniel Braun <dbraun@law.nyc.gov>, "Hamill, Bridget (LAW)" <brhamill@law.nyc.gov>, "Robinson, Amy (LAW)" <arobinso@law.nyc.gov>, "Vecchiarelli, Giancarlo (LAW)" <GVecchi@law.nyc.gov>, Michael Spiegel <mikespieg@aol.com>

Subject: RE: Sierra: proposed Second Amended Complaint

Hi Josh,

Jenny is out sick today, but she hopes to be back tomorrow, so can we say tomorrow?

If you let us know what times you are available, Jenny will do her best to make herself available

Thanks so much,

Dara

From: Joshua S. Moskovitz <josh@moskovitzlaw.com>

Sent: Wednesday, April 6, 2022 9:41 AM

To: Weng, Jenny (Law) <jweng@law.nyc.gov>

Cc: Nelson, Genevieve (Law) <gnelson@law.nyc.gov>; Weiss, Dara (Law) <daweiss@law.nyc.gov>; Riordan, Shannon (LAW) <sriordan@law.nyc.gov>; Breslow, Stephanie (Law) <sbreslow@law.nyc.gov>; Ibrahim, Nadine (LAW) <nibrahim@law.nyc.gov>; Braun, Daniel (Law) <dbraun@law.nyc.gov>; Hamill, Bridget (LAW) <brhamill@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Vecchiarelli, Giancarlo (LAW) <GVecchi@law.nyc.gov>; Michael Spiegel <mikespieg@aol.com>

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Jenny,

Please let us know if you are available today or tomorrow to confer about this.

Thanks,

Josh

Joshua S. Moskovitz

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From: Joshua Moskovitz <josh@moskovitzlaw.com>

Date: Thursday, March 31, 2022 at 9:42 AM

To: Jenny Weng <jweng@law.nyc.gov>

Cc: "Nelson, Genevieve (Law)" <gnelson@law.nyc.gov>, Dara Weiss <daweiss@law.nyc.gov>, "Riordan, Shannon (LAW)" <sriordan@law.nyc.gov>, "Breslow, Stephanie (Law)" <sbreslow@law.nyc.gov>, "Ibrahim, Nadine (LAW)" <nibrahim@law.nyc.gov>, Daniel Braun <dbraun@law.nyc.gov>, "Hamill, Bridget (LAW)" <brhamill@law.nyc.gov>, "Robinson, Amy (LAW)" <arobinso@law.nyc.gov>, "Vecchiarelli, Giancarlo (LAW)" <GVecchi@law.nyc.gov>, Michael Spiegel <mikespieg@aol.com>

Subject: Re: Sierra: proposed Second Amended Complaint

Thank you.

Joshua S. Moskovitz

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On Mar 31, 2022, at 8:56 AM, Weng, Jenny (Law) <jweng@law.nyc.gov> wrote:

Good morning Josh,

We'll get back to you on our position early next week.

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From: Joshua S. Moskovitz <josh@moskovitzlaw.com>

Sent: Wednesday, March 30, 2022 4:18 PM

To: Nelson, Genevieve (Law) <gnelson@law.nyc.gov>; Weiss, Dara (Law) <daweiss@law.nyc.gov>; Weng, Jenny (Law) <jweng@law.nyc.gov>; Riordan, Shannon (LAW) <sriordan@law.nyc.gov>; Breslow, Stephanie (Law) <sbreslow@law.nyc.gov>; Ibrahim, Nadine (LAW) <nibrahim@law.nyc.gov>; Braun, Daniel (Law) <dbraun@law.nyc.gov>; Hamill, Bridget (LAW) <brhamill@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Vecchiarelli, Giancarlo (LAW) <GVecchi@law.nyc.gov>

Cc: Michael Spiegel <mikespieg@aol.com>

Subject: [EXTERNAL] Re: Sierra: proposed Second Amended Complaint

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Good afternoon,

I'm circling back to set a time to discuss the proposed *Sierra* Second Amended Complaint.

Thank you,

Josh

Joshua S. Moskovitz

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From: Joshua Moskovitz <josh@moskovitzlaw.com>

Date: Wednesday, March 23, 2022 at 11:03 AM

To: "Nelson, Genevieve (Law)" <gnelson@law.nyc.gov>, Dara Weiss <daweiss@law.nyc.gov>, Jenny Weng <jweng@law.nyc.gov>, "Riordan, Shannon (LAW)" <sriordan@law.nyc.gov>, "Breslow, Stephanie (Law)" <sbreslow@law.nyc.gov>, "Ibrahim, Nadine (LAW)" <nibrahim@law.nyc.gov>, Daniel Braun <dbraun@law.nyc.gov>, "Hamill, Bridget (LAW)" <brhamill@law.nyc.gov>, "Robinson, Amy (LAW)" <arobinso@law.nyc.gov>, "Vecchiarelli, Giancarlo (LAW)" <GVecchi@law.nyc.gov>

Cc: Michael Spiegel <mikespieg@aol.com>

Subject: Re: Sierra: proposed Second Amended Complaint

Genevieve, thanks for the quick response. Today and tomorrow are not so good for me, unfortunately. Do you have any availability Friday or Monday?

Joshua S. Moskovitz

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From: "Nelson, Genevieve (Law)" <gnelson@law.nyc.gov>

Date: Wednesday, March 23, 2022 at 11:02 AM

To: Joshua Moskovitz <josh@moskovitzlaw.com>, Dara Weiss <daweiss@law.nyc.gov>, Jenny Weng <jweng@law.nyc.gov>, "Riordan, Shannon (LAW)" <sriordan@law.nyc.gov>, "Breslow, Stephanie (Law)" <sbreslow@law.nyc.gov>, "Ibrahim, Nadine (LAW)" <nibrahim@law.nyc.gov>, Daniel Braun <dbraun@law.nyc.gov>, "Hamill, Bridget (LAW)" <brhamill@law.nyc.gov>, "Robinson, Amy (LAW)" <arobinso@law.nyc.gov>, "Vecchiarelli, Giancarlo (LAW)" <GVecchi@law.nyc.gov>

Cc: Michael Spiegel <mikespieg@aol.com>

Subject: Re: Sierra: proposed Second Amended Complaint

Ok. Can be available later today. Around 5?

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From: Joshua S. Moskovitz <josh@moskovitzlaw.com>

Sent: Wednesday, March 23, 2022 10:32:33 AM

To: Weiss, Dara (Law) <daweiss@law.nyc.gov>; Nelson, Genevieve (Law) <gnelson@law.nyc.gov>; Weng, Jenny (Law) <jweng@law.nyc.gov>; Riordan, Shannon (LAW) <sriordan@law.nyc.gov>; Breslow, Stephanie (Law) <sbreslow@law.nyc.gov>; Ibrahim, Nadine (LAW) <nibrahim@law.nyc.gov>; Braun, Daniel (Law) <dbraun@law.nyc.gov>; Hamill, Bridget (LAW) <brhamill@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Vecchiarelli, Giancarlo (LAW) <GVecchi@law.nyc.gov>

Cc: Michael Spiegel <mikespieg@aol.com>

Subject: [EXTERNAL] Re: Sierra: proposed Second Amended Complaint

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Thank you.

Joshua S. Moskovitz

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From: Dara Weiss <daweiss@law.nyc.gov>

Date: Wednesday, March 23, 2022 at 10:27 AM

To: Joshua Moskovitz <josh@moskovitzlaw.com>, "Nelson, Genevieve (Law)" <gnelson@law.nyc.gov>, Jenny Weng <jweng@law.nyc.gov>, "Riordan, Shannon (LAW)" <sriordan@law.nyc.gov>, "Breslow, Stephanie (Law)" <sbreslow@law.nyc.gov>, "Ibrahim, Nadine (LAW)" <nibrahim@law.nyc.gov>, Daniel Braun <dbraun@law.nyc.gov>, "Hamill, Bridget (LAW)" <brhamill@law.nyc.gov>, "Robinson, Amy (LAW)" <a robinso@law.nyc.gov>, "Vecchiarelli, Giancarlo (LAW)" <GVecchi@law.nyc.gov>

Cc: Michael Spiegel <mikespieg@aol.com>

Subject: RE: Sierra: proposed Second Amended Complaint

We are conferring internally and will get back to you shortly

From: Joshua S. Moskovitz <josh@moskovitzlaw.com>

Sent: Tuesday, March 22, 2022 9:52 PM

To: Weiss, Dara (Law) <daweiss@law.nyc.gov>; Nelson, Genevieve (Law) <gnelson@law.nyc.gov>; Weng, Jenny (Law) <jweng@law.nyc.gov>; Riordan, Shannon (LAW) <sriordan@law.nyc.gov>; Breslow, Stephanie (Law) <sbreslow@law.nyc.gov>; Ibrahim, Nadine (LAW) <nibrahim@law.nyc.gov>; Braun, Daniel (Law) <dbraun@law.nyc.gov>; Hamill, Bridget (LAW) <brhamill@law.nyc.gov>; Robinson, Amy (LAW) <a robinso@law.nyc.gov>; Vecchiarelli, Giancarlo (LAW) <GVecchi@law.nyc.gov>

Cc: Michael Spiegel <mikespieg@aol.com>

Subject: [EXTERNAL] Re: Sierra: proposed Second Amended Complaint

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Dara,

I am adding your colleagues on this email per your request earlier today that we copy your full team on our correspondence in this case. Please let us know when you are available to discuss our proposed Second Amended Complaint in *Sierra*.

Thanks,

Josh

Joshua S. Moskovitz

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On Mar 21, 2022, at 4:59 PM, Joshua S. Moskovitz <josh@moskovitzlaw.com> wrote:

Dara and Jenny,

Please let us know when you are available to discuss this.

Thanks,

Josh

Joshua S. Moskovitz

The Law Office of Joshua Moskovitz, P.C.

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On Mar 16, 2022, at 11:51 AM, Joshua S. Moskovitz
<josh@moskovitzlaw.com> wrote:

Dara and Jenny,

I am sending you the *Sierra* plaintiffs' proposed Second Amended Complaint (along with a redline showing the amendments). We would like to set up a time to discuss this. Please let us know your availability next week. If there is someone else on your team who we should speak with, please let us know.

Thanks,

Josh

Joshua S. Moskovitz

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